



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,074	05/10/2002	Michael J. Wookey	P7225	7888

33438 7590 07/25/2005

HAMILTON & TERRILE, LLP  
P.O. BOX 203518  
AUSTIN, TX 78720

EXAMINER
----------

LAZARO, DAVID R

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/067,074	Applicant(s) WOOKEY ET AL.	
	Examiner David Lazaro	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/10/02</u>   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 1-14 are pending in this office action.

***Papers Received***

2. Change of Address was received on 10/29/03.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 5/10/02 has been considered by the examiner.

***Specification***

4. The disclosure is objected to because of the following informalities: Page 32, line 25, makes reference to a "Figure M". There is no corresponding figure.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2, 5, 9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claims 2, 5, 9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. Claims 2 and 9, for example, both state the limitation "the retransmitting the message is via a different intermediate mid level manager". However, in terms of the previously claimed subject matter, there was no action or interaction with an initial "intermediate mid level manager". The use of "different" based on the context of the claim language, implies that there was a previous "intermediate mid level manager" in relation to the communicated message. However, such a relationship is not claimed, and it is unclear as to how one can arrive at the claimed subject matter of "the retransmitting the message is via a different intermediate mid level manager" without claiming the relationship of a previous action or interaction with an initial "intermediate mid level manager". The same applies to Claims 5 and 12 but in relation to the limitation "the retransmitting the message is via a different applications mid level manager". As such, one cannot ascertain the scope of the claimed invention, and therefore, the claim is rendered indefinite.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 2, 5, 8, 9 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,687,735 by Logston et al. (Logston).
10. With respect to Claim 1, Logston teaches a method of delivering a message from a customer to a remote services system comprising: assigning a message a unique identifier (Col. 22 lines 4-7 and lines 34-39; and Col. 24 lines 23-37); transmitting the message and the unique identifier from the customer to the remote services system (Col. 23 lines 18-45 and Col. 24 lines 14-30); saving a copy of the message with the customer until acknowledgement of receipt of the message is received by the customer (Col. 23 lines 54-58 and Col. 24 lines 14-30); acknowledging receipt of the message from the remote services system to the customer using the unique identifier when the message is received (Col. 22 lines 4-7 and lines 34-39 and Col. 24 lines 23-37); discarding the copy of the message when receipt of the message is acknowledged (Col. 23 lines 54-58 and Col. 24 lines 14-30); and, retransmitting the message when the receipt of the message is not acknowledged (Col. 23 lines 54-58 and Col. 24 lines 14-30).
11. With respect to Claim 2, Logston teaches all the limitations of Claim 1 and further teaches the remote services system includes an intermediate mid level manager farm having a plurality of intermediate mid level managers (Col. 14 lines 25-34 and lines 60-63); and retransmitting the message is via a different intermediate mid level manager of the plurality of intermediate mild level managers within the intermediate mid level

manager farm (Col. 19 line 34 - Col. 2 line 6; particularly note Col. 19 line 57 - Col. 20 line 2).

12. With respect to Claim 5, Logston teaches all the limitations of Claim 1 and further teaches the remote services system includes an applications mid level manager farm having a plurality of application mid level managers (Col. 14 lines 25-34 and Col. 7 line 64 - Col. 8 line 16); and retransmitting the message is via a different intermediate mid level manager of the plurality of intermediate mild level managers within the intermediate mid level manager farm (Col. 19 line 34 - Col. 2 line 6).

13. With respect to Claim 8, Logston teaches a system for delivering a message from a customer to a remote services system comprising: means for assigning a message a unique identifier (Col. 22 lines 4-7 and lines 34-39; and Col. 24 lines 23-37); means for transmitting the message and the unique identifier from the customer to the remote services system (Col. 23 lines 18-45 and Col. 24 lines 14-30); means for saving a copy of the message with the customer until acknowledgement of receipt of the message is received by the customer (Col. 23 lines 54-58 and Col. 24 lines 14-30); means for acknowledging receipt of the message from the remote services system to the customer using the unique identifier when the message is received (Col. 22 lines 4-7 and lines 34-39 and Col. 24 lines 23-37); means for discarding the copy of the message when receipt of the message is acknowledged (Col. 23 lines 54-58 and Col. 24 lines 14-30); and, means for retransmitting the message when the receipt of the message is not acknowledged (Col. 23 lines 54-58 and Col. 24 lines 14-30).

14. With respect to Claim 9, Logston teaches all the limitations of Claim 8 and further teaches the remote services system includes an intermediate mid level manager farm having a plurality of intermediate mid level managers (Col. 14 lines 25-34 and lines 60-63); and retransmitting the message is via a different intermediate mid level manager of the plurality of intermediate mild level managers within the intermediate mid level manager farm (Col. 19 line 34 - Col. 2 line 6; particularly note Col. 19 line 57 - Col. 20 line 2).

15. With respect to Claim 12, Logston teaches all the limitations of Claim 8 and further teaches the remote services system includes an applications mid level manager farm having a plurality of application mid level managers (Col. 14 lines 25-34 and Col. 7 line 64 - Col. 8 line 16); and retransmitting the message is via a different intermediate mid level manager of the plurality of intermediate mild level managers within the intermediate mid level manager farm (Col. 19 line 34 - Col. 2 line 6).

***Claim Rejections - 35 USC § 103***

16. Claim 3, 4, 6, 7, 10, 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logston in view of U.S. Patent 6,098,093 by Bayeh et al. (Bayeh).

17. With respect to Claim 3, Logston teaches all the limitations of Claim 2 and further teaches a session object is used at a intermediate mid level manager farm (Col. 23 lines 35-54).

Logston does not explicitly disclose the session objected is shared with the intermediate mid level manager farm. Bayeh teaches a web server farm (Col. 8 lines

45-49) uses a shared session object to share information within the web server farm (Col. 5 lines 29-34 and Col. 10 line 64 - Col. 11 line 15). This allows for proper maintenance of session pools among of group of clustered web servers (Col. 4 line 51- Col. 5 line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Logston and modify it as indicated by Bayeh such that the method further comprises the intermediate mid level manager farm uses a shared session object to share information within the intermediate mid level manager farm. One would be motivated to have this, as there is need for proper maintenance of session pools among of group of clustered web servers (In Bayeh: Col. 4 line 51- Col. 5 line 8).

18. With respect to Claim 4, Logston in view of Bayeh teaches all the limitations of Claim 3 and further teaches the shared session object includes a local resource locator, the resource locator indicating from where the message originated and the unique identifier (In Logston: Col. 23 lines 35-54).

19. With respect to Claim 6, Logston teaches all the limitations of Claim 5 and further teaches a session object is used at an application mid level manager farm (Col. 23 lines 35-54).

Logston does not explicitly disclose the session objected is shared with the application mid level manager farm. Bayeh teaches a web server farm (Col. 8 lines 45-49) uses a shared session object to share information within the web server farm (Col. 5



lines 29-34 and Col. 10 line 64 - Col. 11 line 15). This allows for proper maintenance of session pools among of group of clustered web servers (Col. 4 line 51- Col. 5 line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Logston and modify it as indicated by Bayeh such that the method further comprises the application mid level manager farm uses a shared session object to share information within the application mid level manager farm. One would be motivated to have this, as there is need for proper maintenance of session pools among of group of clustered web servers (In Bayeh: Col. 4 line 51- Col. 5 line 8).

20. With respect to Claim 7, Logston in view of Bayeh teaches all the limitations of Claim 6 and further teaches the shared session object includes a local resource locator, the resource locator indicating from where the message originated and the unique identifier (In Logston: Col. 23 lines 35-54).

21. With respect to Claim 10, Logston teaches all the limitations of Claim 9 and further teaches a session object is used at a intermediate mid level manager farm (Col. 23 lines 35-54).

Logston does not explicitly disclose the session objected is shared with the intermediate mid level manager farm. Bayeh teaches a web server farm (Col. 8 lines 45-49) uses a shared session object to share information within the web server farm (Col. 5 lines 29-34 and Col. 10 line 64 - Col. 11 line 15). This allows for proper maintenance of session pools among of group of clustered web servers (Col. 4 line 51- Col. 5 line 4).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Logston and modify it as indicated by Bayeh such that the system further comprises the intermediate mid level manager farm uses a shared session object to share information within the intermediate mid level manager farm. One would be motivated to have this, as there is need for proper maintenance of session pools among of group of clustered web servers (In Bayeh: Col. 4 line 51- Col. 5 line 8).

23. With respect to Claim 11, Logston in view of Bayeh teaches all the limitations of Claim 3 and further teaches the shared session object includes a local resource locator, the resource locator indicating from where the message originated and the unique identifier (In Logston: Col. 23 lines 35-54).

24. With respect to Claim 13, Logston teaches all the limitations of Claim 12 and further teaches a session object is used at an application mid level manager farm (Col. 23 lines 35-54).

Logston does not explicitly disclose the session objected is shared with the application mid level manager farm. Bayeh teaches a web server farm (Col. 8 lines 45-49) uses a shared session object to share information within the web server farm (Col. 5 lines 29-34 and Col. 10 line 64 - Col. 11 line 15). This allows for proper maintenance of session pools among of group of clustered web servers (Col. 4 line 51- Col. 5 line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Logston and modify it as indicated by Bayeh such that the system further comprises the application mid level manager

farm uses a shared session object to share information within the application mid level manager farm. One would be motivated to have this, as there is need for proper maintenance of session pools among of group of clustered web servers (In Bayeh: Col. 4 line 51- Col. 5 line 8).

25. With respect to Claim 14, Logston in view of Bayeh teaches all the limitations of Claim 6 and further teaches the shared session object includes a local resource locator, the resource locator indicating from where the message originated and the unique identifier (In Logston: Col. 23 lines 35-54).

### ***Conclusion***

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

27. U.S. Patent 5,245,616 by Olson "Technique for Acknowledging Packets" September 14, 1993.

28. U.S. Patent 5,432,798 by Blair "Data Communication Method and System" July 11, 1995. Discloses a message acknowledge and retransmit protocol.

29. U.S. Patent 5,884,316 by Bernstein et al. "Implicit session context system with object state cache" March 16, 1999. Discloses the use of an object state cache to share information related to a session object.


30. U.S. Patent 6,275,953 by Vahalia et al. "Recovery from failure of a data processor in a network server" August 14, 2001. Discloses the functionality of an operational data processor capable of assuming the identity of a failed data processor.

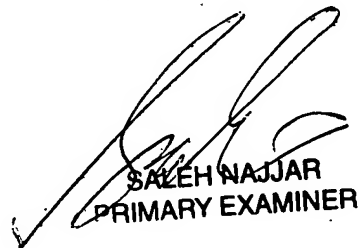
31. U.S. Patent 6,760,861 by Fukuhara et al. "System, method, and apparatus for data processing and storage to provide continuous operations independent of device failure or disaster" July 6, 2004. Discloses redundant application servers running a user session concurrently but independently such that if one application server fails, the other can assume control without any delays.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
David Lazaro  
July 21, 2005

  
SALEH NAJJAR  
PRIMARY EXAMINER